TACOMA POLICE DEPARTMENT
Intra-Departmental Memorandum

TO: Michael Ake
Interim Chief of Police

FROM: Temporary Lieutenant Gary J. Roberts GJR **DATE**: November 19, 2021
Internal Affairs Section

SUBJECT: CITY CONDUCT COMPLAINT 21COM-0040

Complainant:
Ms. Jennifer Boutell
3718 East Spokane Street
Tacoma, WA 98404
253.282.4069

On April 20, 2021, Ms. Boutell contacted the Tacoma Police Department regarding the actions of Tacoma Police Officers. The complaint was entered into the Tacoma Police Department's tracking system, processed by the Internal Affairs Section, and assigned complaint number 21COM-0040.

Allegation(s): Courtesy

COMPLAINT SUMMARY
Ms. Boutell alleged the way the involved officers spoke to an 11-year-old child was inexcusable.

INVESTIGATION
The complaint was forwarded to the Operations Bureau, which reported the following:

Ms. Boutell initially sent in a written complaint to Internal Affairs. She wrote that an 11-year-old girl knocked on the door of their residence and stated her father and uncle had knocked her to the ground and hurt her while they removed her backpack. She was visibly frightened to return home. Ms. Boutell's 20-year-old daughter was home at the time and called 911 (South Sound 911). While taking the girl's statement, she stated the officers berated the girl for being a bad communicator and that she was wasting their time. The officers told the girl they have their own children at home that they would like to get back to. They then sent her back to her father. Ms. Boutell is a middle school teacher and is a mandatory reporter.

In review of the Computer Aided Dispatch (CAD) system, Officer Walk and his Student Officer Tower were dispatched along with Officer Caber for an Incorrigible Juvenile call. The first caller was the father of the child, Mr. Eric Boulduc. He reported that his daughter had run from the residence after hitting her uncle. Another caller reported an argument between an adult male and juvenile in the street where the male claimed to be the father trying to get her back home. A third caller reported the juvenile showed up at her residence claiming she had run away from her dad and uncle after her hair was pulled and she was shoved to the ground.

Ms. Boutell was re-contacted for an interview regarding her complaint. She advised she was not present and did not observe any of the officers' interaction firsthand. The statement she made was based upon information provided to her by her daughter, Ms. Daniel, who was present when the juvenile was initially interviewed by officers. She arrived after officers were getting ready to clear. She contacted them stating she was a mandatory reporter and needed the information. The officers informed her the incident was handled and there was no assault. During this complaint interview, Ms. Boutell was at home with Ms. Daniel who was the third caller to South Sound 911. After inquiring if Ms. Daniel would like to be

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interviewed, she declined. Ms. Boutell agreed to share what Ms. Daniel had informed her of regarding the incident. Ms. Boutell was told that officers told the juvenile she was wasting their time and that they had to get home to be with their own children. When advised that contradicted what the body worn camera (BWC) footage recorded, she asked her daughter for clarification. Ms. Boutell then stated it was her daughter's impression of the interview and a general feeling. Ms. Daniel did not observe any of the interaction down the street with the father of the juvenile.

Mr. Eric Bolduc, who is the father of the juvenile in this incident, was contacted. He advised he was shocked anyone would have complained about officer conduct during the call. He described officers as "perfect" and helpful during a difficult time with his daughter. He advised his daughter had been causing numerous issues, and the officers took the time to assist them. He stated they were personable with him, even inquiring about his schooling and jobs. He added that he wanted to thank the officers for their response that day.

Officer Walk was interviewed regarding this complaint. He stated he was with his Student Officer Tower, and they responded with Officer Caber. The aunt of the juvenile arrived, and Officer Walk spoke with her and the juvenile. Officer Walk advised the juvenile had no visible marks of injury. He also learned there had been similar issues involving the juvenile with the aunt and the mother. It was explained to the juvenile transient pain was legal as corrective discipline, with no marks of injury it would not amount to a criminal action. They contacted the father at the father's residence. They obtained his statement which revolved around her having a phone taken away after she had not completed her school assignments as required. The father claimed she attempted to run out of the house, and he attempted to grab her in an effort to prevent her from leaving without permission. After determining there was nothing that amounted to a crime, Officer Walk attempted to suggest a plan to work things through with communication. He also suggested a plan for when a boiling point is reached and taking a break in her bedroom. Officer Walk highlighted he had children at home and that issues like these can be resolved at home with communication. He told them to call if any other issues were to arise. They left and walked back toward their patrol vehicles. An unidentified woman arrived on scene as they were getting ready to depart. She was not present during any of the interviewing of the involved parties. She advised she was a teacher and a mandatory reporter, requesting the names of the involved parties and case number. Walk informed the complainant they had resolved the incident and was unsure what was still left for her to report mandatorily. The complainant was provided with the incident number and the last name of the juvenile and father.

Officer Tower was interviewed regarding this complaint. He stated he responded with his training officer, Officer Walk, and Officer Caber. He made contact with the juvenile getting her side of the story. He learned that an argument occurred between her and her dad regarding school work. She claimed her father would not leave her alone and wanted to take her cell phone away. She attempted to leave when her father grabbed her by her jacket and backpack. She claimed her uncle then pinned her on the ground to take away her cell phone. She then fled on foot and went to a neighbor's residence. When asked if she had any injuries or wanted to be checked on by Tacoma Fire Department personnel, she declined. Student Officer Tower did not observe any marks or bruising. The aunt of the juvenile showed up in a vehicle. They made contact with her where she advised the juvenile has "bounced" between her, the mother, and now the father. The aunt stated the juvenile has had ongoing issues with following instructions and challenging authority. Officer Tower then went and contacted the father. He stated that Officer Walk primarily spoke with the father while he listened. He learned the argument stemmed from incomplete school work. A resolution of working on communication and separating to a bedroom if tempers escalated was made. When clearing the scene, an unidentified woman inquired about what had occurred. She informed them she was a mandatory reporter as a teacher. Officer Tower advised there was no crime and provided her with the case number.

Officer Caber was interviewed regarding this complaint. He stated Officer Tower made contact with the juvenile female. After the initial contact was completed, he discussed with Officer Tower the parental discipline and restraint of children by a parent until the age of 18. He did not note any marks on the child substantiating a claim of assault. He advised the juvenile's own claims did not substantiate a claim of assault. The father had pulled up stating he had been looking for his daughter, and Officer Caber told him they would contact him at his residence shortly. Prior to making contact with the father, the aunt of the

juvenile showed up. The aunt had been looking for the juvenile as well. The aunt stated the juvenile had problems with the mother and her, and now was living with the father. They then all went to contact the father. The father claimed there had been issues with schoolwork, and the daughter was attempting to leave the residence. The father and the uncle attempted to restrain the daughter from leaving. The father told him that on several occasions the juvenile would get upset and yell, and he would attempt to explain the roles the parents have in making decisions for her. Officer Caber advised he let Officer Walk and Officer Tower conduct a majority of the interaction of the individuals present. With the situation resolved, they all left and walked away down the block toward their patrol vehicles.

In review of all three BWC videos, it was noted the footage aligned with the information provided by all three officers. In the initial interview conducted by Officer Tower, the juvenile and Ms. Daniel were the only ones present. Officer Tower allowed the juvenile to give her side of the story. He inquired if there were any injuries or if she needed medical aid. The juvenile appeared to be far more concerned with obtaining her cell phone and computer so she can communicate with her friend via Snapchat. Officer Tower inquired about what plan the juvenile would like to see, including contacting her mother.

In the BWC footage of the interview of the aunt and juvenile by all three officers, Ms. Boutell was not present. Officer Tower inquired if she believed the juvenile was safe with the father, which she advised she was. The video showed Officer Walk explaining to the juvenile parental discipline rules along with transient pain with no marks. He inquired with her how she would like them to help her. She talked about how she wanted her computer and phone and wanted to be left alone. She stated that she ignores her dad and does not consider him her father.

In the BWC footage of the interview of Mr. Bolduc and the juvenile, Ms. Boutell is not present. They discussed the issues leading to the incident. The father explained he verified with the school the incomplete assignments. Everyone but the juvenile remained calm. The juvenile interrupted several times. Officer Walk addressed the juvenile as "Miss" and requested she "please stop yelling." Officer Walk attempted to discuss communication plans. At one point, the juvenile claimed the father is not her dad but rather her "sperm donor." Officer Walk suggested to both the juvenile and the father that if she needs a break to go to her room to cool down, but to not run away. Officer Walk asked if they have an understanding and can work on this as a team, which the juvenile responded in the affirmative. When departing on foot, Officer Walk advised the juvenile to try to have a good day and to work on the homework.

FINDINGS

An investigation into this complaint was conducted to include an interview with the complainant, Officer Tower, Officer Walk, and Officer Caber. Body worn camera footage was also reviewed along with the CAD. The investigation was reviewed by the officers' chain of command; and the allegation of Unsatisfactory Performance against the involved officers is concluded as **Unfounded,** which is *a final disposition of a complaint when the investigation revealed that the facts or actions alleged did not occur.*

I have reviewed the complaint, investigation and conclusion and concur with the findings.

CMSgt FOR

Michael Ake
Interim Chief of Police

12/16/21

Date

/man

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